

**AGENDA  
ZONING COMMITTEE  
OF THE SAINT PAUL PLANNING COMMISSION  
Thursday, August 13, 2009 3:30 P.M.  
City Council Chambers  
Third Floor City Hall - Saint Paul, Minnesota**

**NOTE:** The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

**APPROVAL OF JULY 30, 2009, ZONING COMMITTEE MINUTES**

**NEW BUSINESS**

- 1      09-217-922   Zane and Mary Neal**  
Rezoning from B3 General Business to RT1 Two-Family Residential to re-establish a duplex  
998 Bush Ave, SW corner at Cypress  
B3  
Patricia James            651-266-6639
  
- 2      09-096-093   Kevin and Debora Boyd**  
Rezoning from RM2 Medium-Density Multiple-Family Residential to VP Vehicular  
Parking to provide additional parking for Lifetime Legacy  
1057 Selby Ave, between Oxford and Lexington  
RM2  
Emily Goodman            651-266-6551

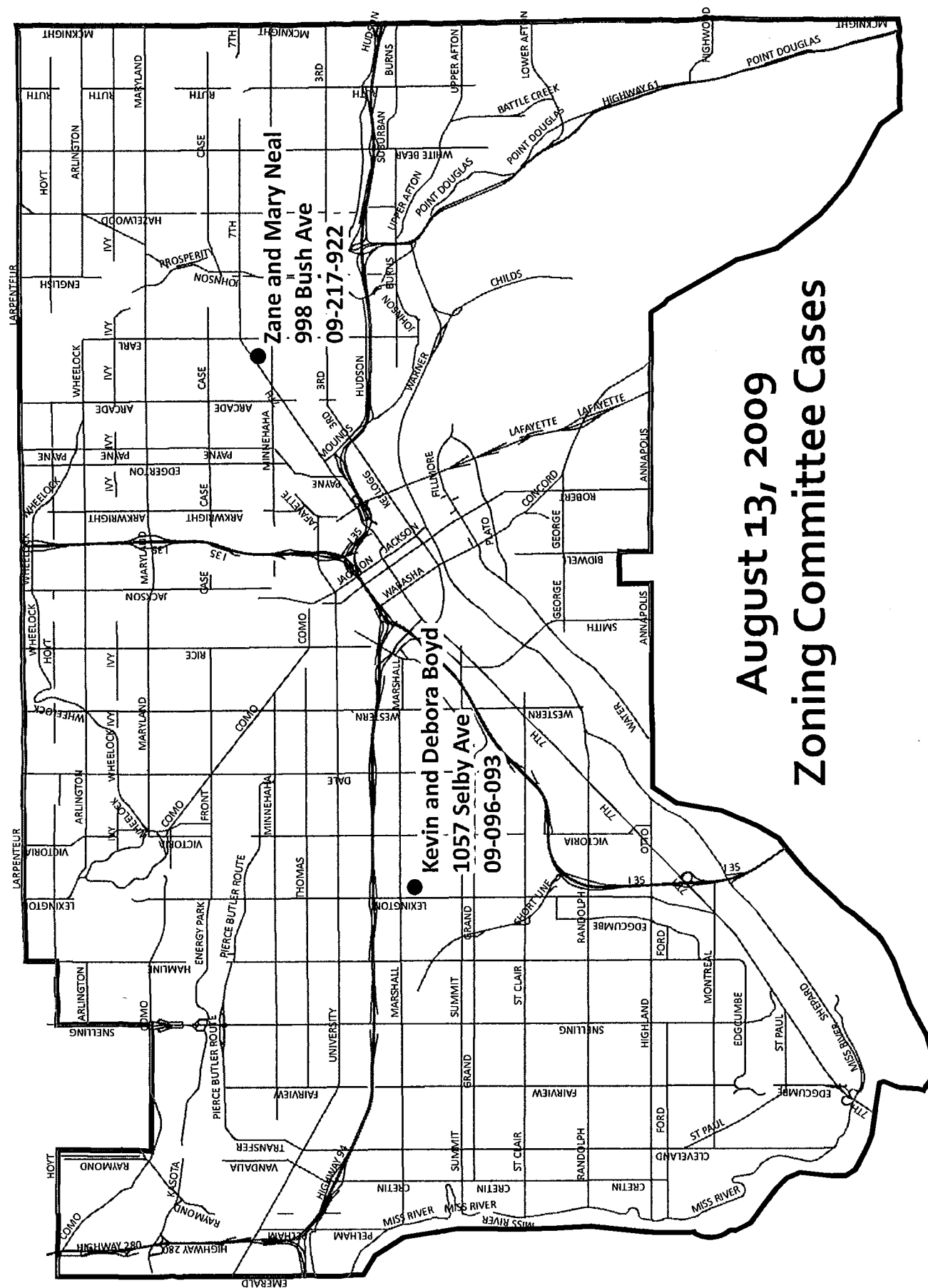
**DISCUSSION**

- 3      Discuss draft Duplex-Triplex Conversion Guidelines**  
Citywide  
Kate Reilly                651-266-6618

**ADJOURNMENT**

**ZONING COMMITTEE MEMBERS:** Call Allan Torstenson at 266-6579 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

**APPLICANT:** You or your designated representative must attend this meeting to answer any questions that the committee may have.



# August 13, 2009 Zoning Committee Cases

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Zane and Mary Neal **FILE #:** 09-217-922
  2. **APPLICANT:** Zane and Mary Neal **HEARING DATE:** August 13, 2009
  3. **TYPE OF APPLICATION:** Rezoning-Council
  4. **LOCATION:** 998 Bush Ave, SW corner at Cypress
  5. **PIN & LEGAL DESCRIPTION:** 282922340107; TERRY'S ADDITION TO THE CITY OF ST. PAUL, COUNTY OF RAMSEY, STATE OF MINN. LOT 1 BLK 20
  6. **PLANNING DISTRICT:** 4 **EXISTING ZONING:** B3
  7. **ZONING CODE REFERENCE:** § 65.112; §61.801(b)
  8. **STAFF REPORT DATE:** August 5, 2009 **BY:** Patricia James
  9. **DATE RECEIVED:** July 22, 2009 **60-DAY DEADLINE FOR ACTION:** September 20, 2009
- 

- A. **PURPOSE:** Rezoning from B3 General Business to RT1 Two-Family Residential to re-establish a duplex.
- B. **PARCEL SIZE:** 50 ft. (Bush) x 127 ft. (Cypress) = 6350 sq. ft. Including half the alley increases the lot area to 6750 sq. ft.
- C. **EXISTING LAND USE:** Vacant 2-unit structure
- D. **SURROUNDING LAND USE:**
  - North: auto convenience store, vacant 3M property (B3, I2)
  - East: low density residential and parking (RT1, VP)
  - South: low to medium density residential (RT1)
  - West: low to medium density residential; parking (B3)
- E. **ZONING CODE CITATION:** § 65.112 provides the intent of the RT1 zoning district; §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** The property was zoned Commercial until 1975 when the zoning was changed to B3. There is no zoning history specific to this property.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 4 had not commented at the time this staff report was prepared.
- H. **FINDINGS:**
  1. The applicants have purchased the property and seek to re-establish the previous duplex use. Since duplexes are not allowed in the B3 zoning district and the structure has been on the Department of Safety and Inspection's vacant building list for more than 365 days, the duplex use cannot be re-established without rezoning or applying for a nonconforming use permit. The applicants have chosen to seek a rezoning to RT1, which allows duplexes.
  2. The proposed zoning is consistent with the way this area has developed. The buildings on this block face are residential structures. The properties across the alley to the south and across Cypress to the east are currently zoned RT1.
  3. The proposed zoning is consistent with the Comprehensive Plan. The current Land Use and Housing chapters of the comprehensive plan support maintaining a range of housing types (Housing Plan policy 4.1; Land Use Plan objective 5.3). The preliminarily approved update to the Housing chapter supports increased housing choices across the city to support economically diverse neighborhoods. (Policy 1.1)

The 1986 District 4 Plan Land Use Policy includes the following: 5. *The District Council will oppose conversions of rental property to more units than for which the*

*area is zoned, and will apply stringent standards when considering requests for variances. These standards will include: proper lot size as designated in the Zoning Code; parking availability; and maintenance record of the property. Entirely residential uses are not permitted under the current B3 zoning. The proposed zoning to RT1 will permit only duplex residential, the historic use of the property. The lot area meets the zoning code standard of 50 ft. of frontage and 6000 sq. ft. of lot area. While there is no off-street parking provided at this time (a garage was removed in 2007), there is sufficient space for 3 vehicles at the rear of the property. Property maintenance issues appear to have started at the time the building became vacant, and could be resolved by re-occupancy of the residence.*

4. The proposed duplex use is compatible with surrounding uses to the east and south (already zoned RT1) as well as immediately west of the site.
5. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term *"applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and creates an island of nonconforming use within a larger zoned district, and which dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property."* Since there is other land zoned RT1 immediately adjacent to this site, the rezoning is not spot zoning.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from B3 General Business to RT1 Two-Family Residential to re-establish a duplex.

**PETITION TO AMEND THE ZONING CODE**

Department of Planning and Economic Development  
 Zoning Section  
 1400 City Hall Annex  
 25 West Fourth Street  
 Saint Paul, MN 55102-1634  
 (651) 266-6589

Zoning office use only  
 File # 09-217922  
 Fee: 1000.00  
 Tentative Hearing Date: 8-13-09

**APPLICANT**

Property Owner Dr. Zane C. & Mary I. Neal  
 Address 105 E. Florence St., PO Box 493  
 City Cambria St. WI Zip 53923 Daytime Phone 920-210-8812  
 Contact Person (if different) Jimmy Zehm Phone 612-366-4297

**PROPERTY LOCATION**

Address / Location 998 Bush Ave. St. Paul, MN  
 Legal Description \_\_\_\_\_  
 Current Zoning B3  
 (attach additional sheet if necessary)

**TO THE HONORABLE MAYOR AND CITY COUNCIL:**

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes,  
Dr. Zane & Mary Neal, owner of land proposed for rezoning, hereby petitions you to  
 rezone the above described property from a B3 zoning district to a RT1  
 zoning district, for the purpose of:

Legalizing and rehabilitation  
of building for a duplex.

**RECEIVED****JUL 22 2009**

pdd  
7-22-09

(attach additional sheets if necessary)

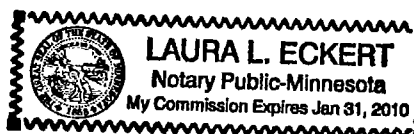
Attachments as required: ☐ Site Plan☐ Consent Petition☐ Affidavit

Subscribed and sworn to before me  
 this 22 day  
 of July, 2009.

By: [Signature]  
Mary I. Neal  
 Fee Owner of Property

Title: \_\_\_\_\_

[Signature]  
 Notary Public





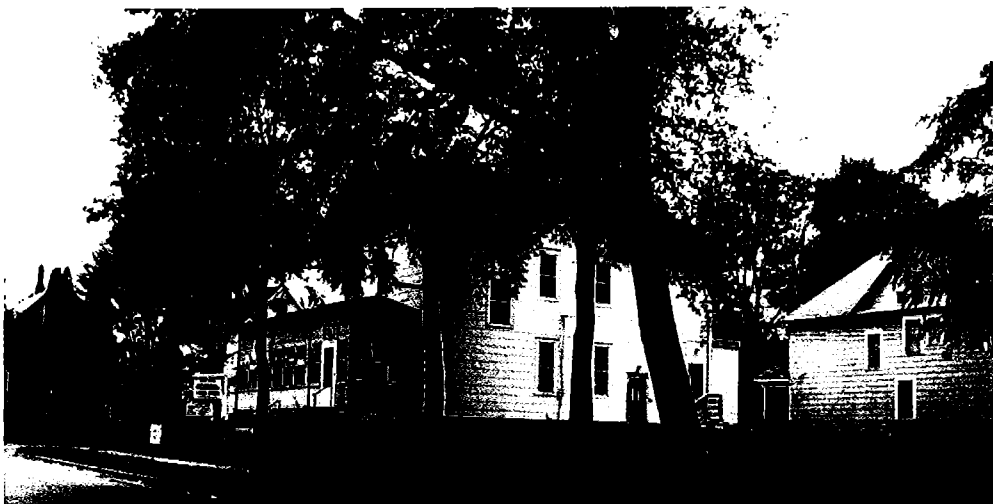
Site at 998 Bush



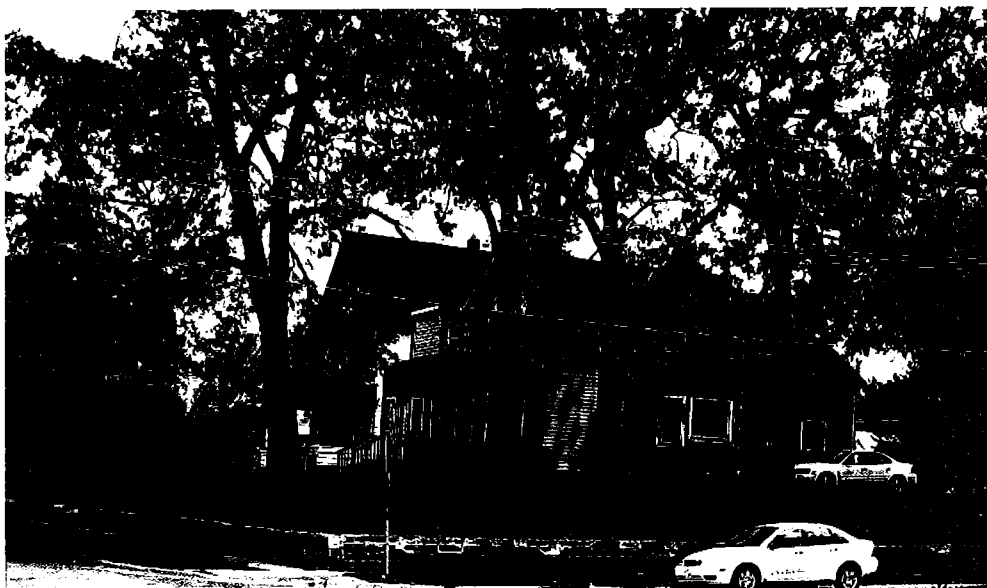
Side of building along Cypress



Rear of site



South on Cypress



Across Cypress



North of site



Northeast of site



West of site on Bush



# Zoning Districts - File No. 09-217-922



This map is neither a legally recorded map nor a survey and is not intended to be used as one.  
This working draft of the digital GIS zoning layer is to be used for reference purposes only.

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Kevin and Debora Boyd **FILE #** 09-096-093
  2. **APPLICANT:** Pat Boyd **HEARING DATE:** August 13, 2009
  3. **TYPE OF APPLICATION:** Rezoning
  4. **LOCATION:** 1057 Selby Ave, between Oxford and Lexington
  5. **PIN & LEGAL DESCRIPTION:** 022823220079, ROGERS' ADDITION TO ST. PAUL EX AVE LOT 25 BLK 3
  6. **PLANNING DISTRICT:** 8 **PRESENT ZONING:** RM2
  7. **ZONING CODE REFERENCE:** §61.801 (b), § 66.704
  8. **STAFF REPORT DATE:** August 13, 2009 **BY:** Emily Goodman
  9. **DATE RECEIVED:** June 24, 2009 **60-DAY DEADLINE FOR ACTION:** September 6, 2009
- 

- A. **PURPOSE:** Rezoning from RM2 Medium-Density Multiple-Family Residential to VP Vehicular Parking to provide additional parking for Lifetime Legacy.
- B. **PARCEL SIZE:** Rectangular parcel with 40 feet of frontage on Selby Avenue and a total lot area of approximately 4760 feet.
- C. **EXISTING LAND USE:** Vacant single family house.
- D. **SURROUNDING LAND USE:**
  - North: Two-family residential (RT-1)
  - East: Community business (B2)
  - South: Two-family residential (RT-1)
  - West: Medium-density multiple-family residential (RM2)
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner. § 66.704 states the required conditions for VP vehicular parking.
- F. **HISTORY/DISCUSSION:** There are no zoning actions or records for the property.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 8 Council issued a letter of support for the rezoning on March 18, 2009.
- H. **FINDINGS:**
  1. The applicants are seeking a rezoning of the property at 1057 Selby to accommodate a parking lot for their business, Lifetime Legacy. The applicants have stated that the existing house has suffered significant water damage, and it is not economically feasible to rehabilitate it for continued residential use.
  2. The VP zoning district is intended to accommodate off-street parking of private passenger vehicles and to serve districts that developed without adequate off-street parking. According to the site plan submitted, the existing onsite parking lot at 1051 Selby currently has six spaces, which satisfies the parking requirement for the Lifetime Legacy business.
  3. The proposed zoning is generally consistent with the *Summary and General Policy* chapter of the existing adopted Comprehensive Plan, which states in the Economic Opportunities section:...."High priorities for Saint Paul now are...to ensure that land resources with potential for business use are made available and used to their maximum economic and community benefit." Rezoning the site for parking could be considered a means to increase the economic benefit of the Lifetime Legacy business. The proposed update to the comprehensive plan (not yet approved by the Metropolitan Council or finally adopted by the City Council) also includes relevant policies. Policy 1.49 of the proposed *Land Use* chapter update states: "Facilitate the redevelopment of commercial areas where existing buildings are no longer

- considered functional to accommodate viable retail and businesses." According to the applicant, the additional parking is needed for their business. Policy 2.13.e of the proposed *Transportation Chapter* states: "As a part of redevelopment of reinvestment, prohibit the demolition of viable housing units or historic buildings for new surface parking lots." The proposed rezoning is consistent with this policy only to the extent that the house is determined to be not "viable" and/or not "historic".
4. The intent of the VP zoning district is to permit off-street parking facilities to be used solely for off-street parking of private passenger vehicles as a use incidental to a principal use, and is intended to serve districts that developed without adequate off-street parking. Since the proposed parking lot would be incidental to a business that is a permitted principal B2 use, the proposed rezoning to VP would be compatible with surrounding land uses.
  5. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term *"applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and creates an island of nonconforming use within a larger zoned district, and which dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property"* The proposed VP rezoning is consistent with the surrounding land uses and would not reduce the value for uses specified in the zoning ordinance of the rezoning plot or abutting property. Thus, the proposed rezoning is not spot zoning.
  6. The petition for rezoning was found to be sufficient on June 29, 2009: 18 parcels eligible; 12 parcels required; 12 parcels signed.
  7. § 66.704 states the seven required conditions for VP vehicular parking:
    - a. *The parking facility shall be accessory to and for use in connection with one or more businesses, industries, institutions, or multifamily residences.* This condition is met. The parking facility is proposed to be accessory to Lifetime Legacy.
    - b. *The parking facility shall be used solely for parking of private passenger vehicles and shall not be used as an off-street loading area.* This condition is met. The applicant has not proposed using the parking facility as an off-street loading area.
    - c. *No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking facility.* This condition is met. The applicant has not proposed conducting any commercial repair work or service, or sale or display thereof in the parking facility.
    - d. *No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking facility.* This condition is met. The applicant has not proposed placing any prohibited signage in the parking facility.
    - e. *No building other than that for the shelter of attendants shall be erected upon the premises unless specifically approved by the planning administrator during site plan review.* This condition is met. The applicant has not proposed a building other than that for the shelter of attendants in the parking facility.
    - f. *Applications for VP district rezoning shall include a site plan which conforms to all standards set forth in section 63.300. The planning commission may grant modifications of section 63.300 based on findings that such modification is consistent with the intent of the code and with the reasonable enjoyment of adjacent property.* This condition is met. The applicant has submitted a site plan which was reviewed by city staff and found to be in accord with 63.300.
    - g. *VP vehicular parking districts shall be developed and maintained in accordance with the requirements of section 63.300.* This condition is met, as the site plan is in accordance with the requirements of section 63.300.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from RM2 Medium-Density Multiple-Family Residential to VP Vehicular Parking.



# PETITION TO AMEND THE ZONING CODE

Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6589

Zoning office use only  
File # 09-096093  
Fee: 1000.00  
Tentative Hearing Date: 7-30-09

PD=8

#

022823220079

## APPLICANT

Property Owner DEBORA JEAN BOYD  
Address 10052 POWERS LAKE CIRCLE % PO Box 25070  
City ST PAUL St. MN Zip 55125-0070 Daytime Phone 651-730-5280  
Contact Person (if different) PAT BOYD Phone (651) 206-2431 - CELL

## PROPERTY LOCATION

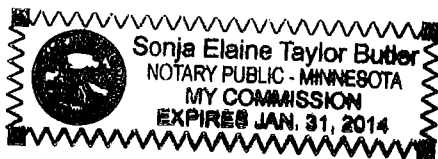
Address / Location 1057 SELBY AVENUE  
Legal Description ROGER'S ADDITION TO ST PAUL EX LOT 25 BLK 3  
Current Zoning RM2  
(attach additional sheet if necessary)

## TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes, DEBORA JEAN BOYD, owner of land proposed for rezoning, hereby petitions you to rezone the above described property from a RM2 zoning district to a B2 VP zoning district, for the purpose of:

CONSTRUCTING A PARKING LOT CONTIGUOUS  
WITH OUR CURRENT PARKING LOT FOR USE  
WITH OUR BUSINESS, LIFETIME LEGACY, LLC.

07.07.09



(attach additional sheets if necessary)

Attachments as required: ☐ Site Plan

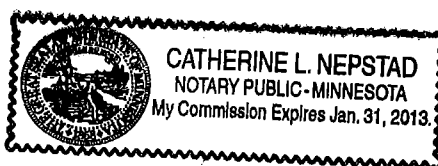
☐ Consent Petition

☐ Affidavit

Subscribed and sworn to before me  
this 23rd day  
of June, 2009.

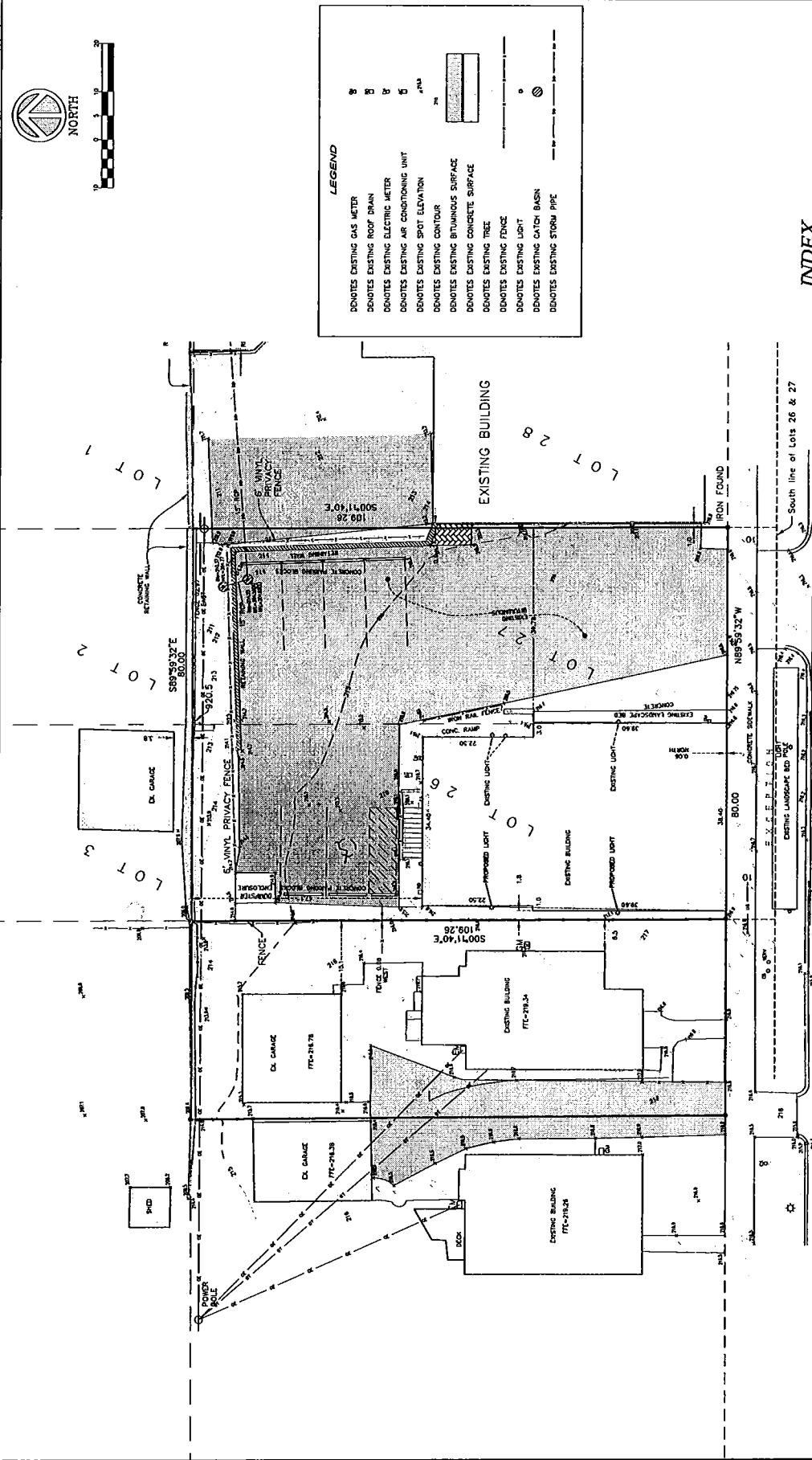
By: Debora J. Boyd  
Fee Owner of Property  
Title: Resident

Catherine L. Nepstad  
Notary Public



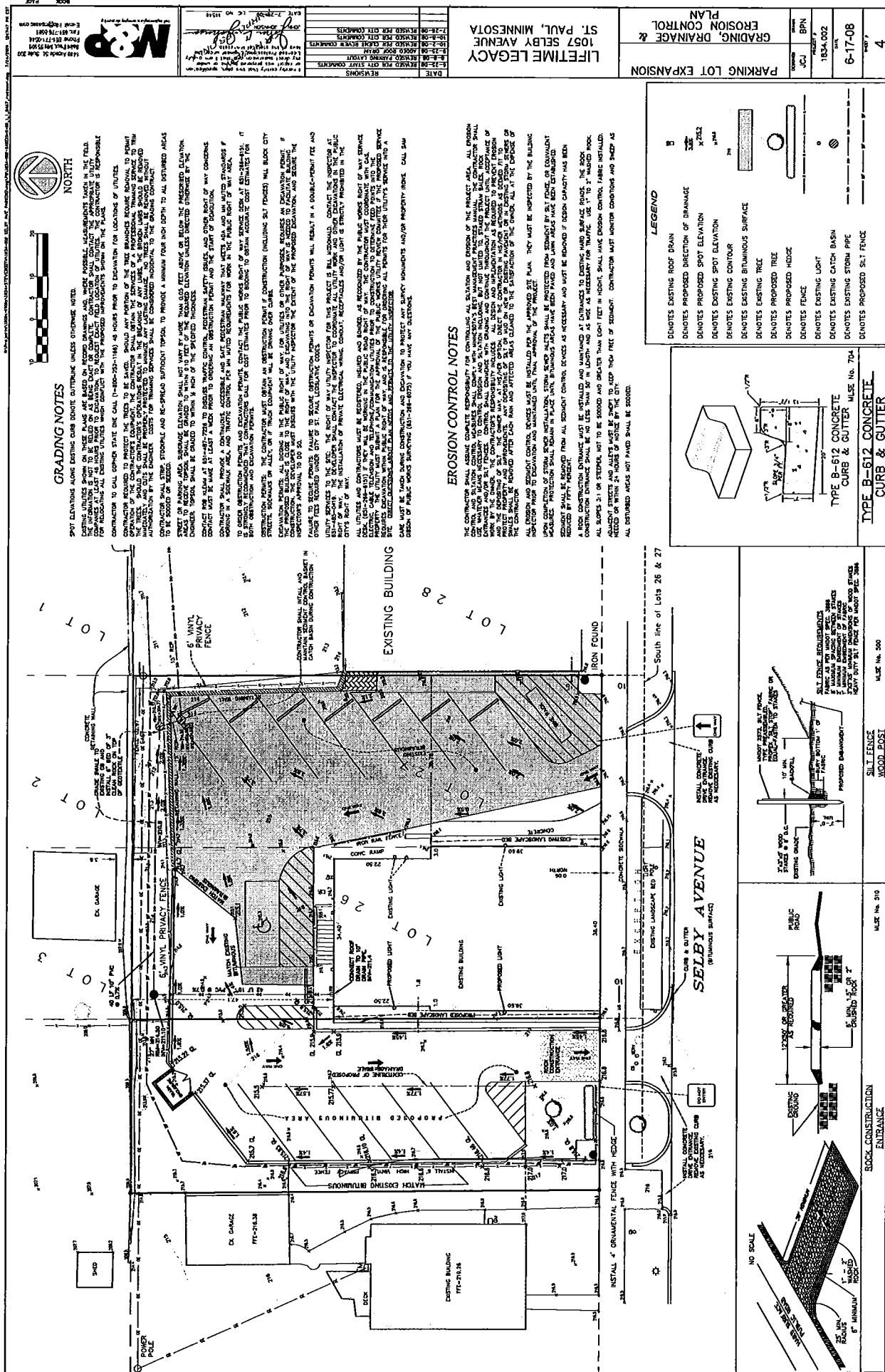


1. EXISTING CONDITIONS  
2. PROPOSED SITE PLAN & LANDSCAPE PLAN  
3. DEMOLITION PLAN  
4. GRADING & EROSION CONTROL PLAN









# CITY OF SAINT PAUL

## AFFIDAVIT OF PETITIONER FOR A REZONING

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY )

The petitioner, DEBORA JEAN BOYD, being first duly sworn, deposes and states that the consent petition contains signatures of the owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition and all property contiguous to the subject property that was owned, purchased, or sold by the petitioner within one (1) year preceding the date of the petition; petitioner is informed that the consent petition must contain signatures from each and all owners of jointly-owned property in order to constitute consent from that property and that failure to obtain consent from each and all owners could invalidate the consent petition; petitioner believes that the consent petition was signed by each of said owners and that the signature are the true and correct signatures of each and all of the parties so described.

DEBORA JEAN BOYD

NAME

10052 POWERS LAKE CIRCLE/PO Box 25070  
ST PAUL MN 55125-0070

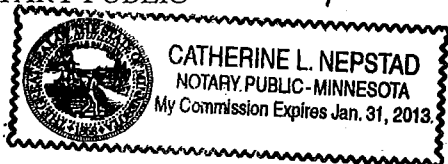
ADDRESS

651-730-5280  
651-208-9090 - CELL

TELEPHONE NUMBER

Subscribed and sworn to before me this  
23<sup>rd</sup> day of June, 2009

Catherine L. Nepstad  
NOTARY PUBLIC



# CITY OF SAINT PAUL

## AFFIDAVIT OF PERSON CIRCULATING CONSENT PETITION FOR A REZONING

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

KEVIN PATRICK BOYD, being first duly sworn, deposes and states that he/she is the person who circulated the consent petition consisting of 2 pages; that affiant is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name, and that each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition and all properties contiguous to the subject property that was owned, purchased or sold by the petitioner within one (1) year preceding the date of the petition; that the consent petition was signed by each said owner; and the signatures are the true and correct signatures of each and all of the parties so described.

KEVIN PATRICK BOYD

NAME

10052 POWERS LAKE CIRCLE/PO Box 25070  
ST. PAUL MN 55125-0070

ADDRESS

651-730-5280  
651-206-2431 - CELL

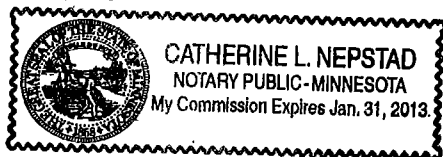
TELEPHONE NUMBER

Subscribed and sworn to before me this

23rd day of June, 2009

Catherine L. Nepstad

NOTARY PUBLIC



## ZONING PETITION LIST

As requested, attached is a list of all property owners within 100 feet of the property which you are requesting a zoning application. As a condition of your application, you are required to submit with your application a consent petition signed by a minimum two-thirds of all the property owners within 100 feet on the attached list.

Only persons listed as "fee owner" or "homesteader" are eligible to sign your petition. Persons listed as "taxpayer" are not eligible to sign your petition since they do not have full ownership of the property. A property owner may sign the petition as many times as they are listed as an owner within 100 feet. Only one signature per property is counted as an eligible signer of the petition.

Also attached are the petition form, affidavit, and application materials.

18

total properties are within 100 feet of the property for zoning action and eligible to sign your petition.

12

total signatures are required for a minimum two-thirds consent and a sufficient petition to proceed with your zoning application.

Please return this list along with the original petition form, affidavit, application and any additional supporting information and material that is part of your application.

- \* Rezoning petitions must be received and held in the Zoning office 7 working days prior to any application cut-off date.

If you have questions about this list or any questions regarding this process, please call the Zoning office at 266-6589.

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: 2/2/09

DATE PETITION RESUBMITTED: \_\_\_\_\_

DATE OFFICIALLY RECEIVED: \_\_\_\_\_

DATE OFFICIALLY RECEIVED: \_\_\_\_\_

PARCELS ELIGIBLE: 18

PARCELS ELIGIBLE: 18

PARCELS REQUIRED: 12

PARCELS REQUIRED: 12

PARCELS SIGNED: 5

PARCELS SIGNED: 12

2/9/09 + 2 more

CHECKED BY: Paul Dubravich

DATE: 2-5-09

Paul Dubravich

6-29-09

# CITY OF SAINT PAUL

## CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

We, the undersigned, owners of property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of DEBORA JEAN BOYD,  
(name of petitioner)  
to rezone the property located at 1057 SELBY AVE,  
from a RM2 zoning district to a VP zoning district; and
2. A copy of sections 66.701 through 66.704 inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a VP zoning district, and we are aware that any of these uses can be established upon City Council approval of the Rezoning. We hereby consent to the rezoning of the property in the petition of

DEBORA JEAN BOYD to a VP zoning district.  
(name of petitioner)

**We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.**

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1251 Selby Ave	Debra Boyd Lifetime Legacy	Debra Boyd	1-26-09
1057 Selby Ave	Kevin Patrick Boyd	Kevin Patrick Boyd	01.26.09
1040 Selby Ave	David Neri	David Neri	02-19-09
1040 Selby Ave	Cordelia N. Neri	Cordelia N. Neri	02-19-09
1051 Selby Ave	Kevin Patrick Boyd	Kevin Patrick Boyd	04.15.09
1057 Selby Ave	DEBORA BOYD	Debra Boyd	6-15-09

This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

# CITY OF SAINT PAUL

## CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

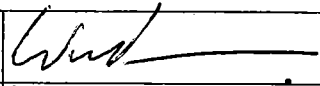
We, the undersigned, owners of property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of DEBORA JEAN BOYD,  
(name of petitioner)  
to rezone the property located at 1057 SELBY AVENUE,  
from a RM2 zoning district to a VP zoning district; and
2. A copy of sections 66.700 through 66.704 inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a VP zoning district, and we are aware that any of these uses can be established upon City Council approval of the Rezoning. We hereby consent to the rezoning of the property in the petition of

DEBORA JEAN BOYD to a VP zoning district.  
(name of petitioner)

**We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.**

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1050 SELBY	MORROW PARTNERS, INC		6-8-2009

This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

# CITY OF SAINT PAUL

## CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

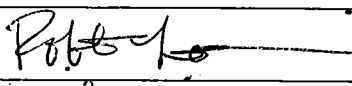

We, the undersigned, owners of property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of DEBORA JEAN BOYD,  
(name of petitioner)  
to rezone the property located at 1057 SELBY AVENUE,  
from a RM2 zoning district to a VP zoning district; and
2. A copy of sections 66.700 through 66.704 inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a VP zoning district, and we are aware that any of these uses can be established upon City Council approval of the Rezoning. We hereby consent to the rezoning of the property in the petition of

DEBORA JEAN BOYD to a VP zoning district.  
(name of petitioner)

**We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.**

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1052 SELBY.	ROBERT LINDSTROM		3.12.09
1052 Selby	Michael Caron		6.2.09

This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.



# CITY OF SAINT PAUL

## CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

We, the undersigned, owners of property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of DEBORA JEAN ROYD,  
(name of petitioner)  
to rezone the property located at 1057 SELBY AVENUE,  
from a RM2 zoning district to a VP zoning district; and
2. A copy of sections 66.700 through 66.704 inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a VP zoning district, and we are aware that any of these uses can be established upon City Council approval of the Rezoning. We hereby consent to the rezoning of the property in the petition of

DEBORA JEAN ROYD to a VP zoning district.  
(name of petitioner)

**We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.**

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1054 SELBY AVE	Dixie England	Dixie England	3-23-09
1054 Selby Ave	DANIEL P. ENGLAND	Daniel P. England	3-23-09

This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

# CITY OF SAINT PAUL

## CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

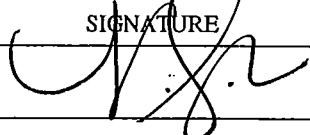
We, the undersigned, owners of property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of DEBORA JEAN ROYD,  
(name of petitioner)  
to rezone the property located at 1057 SELBY AVENUE,  
from a RM2 zoning district to a VP zoning district; and
2. A copy of sections 66.700 through 66.704 inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a VP zoning district, and we are aware that any of these uses can be established upon City Council approval of the Rezoning. We hereby consent to the rezoning of the property in the petition of

DEBORA JEAN ROYD to a VP zoning district.  
(name of petitioner)

**We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.**

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1041 Selby	African American Family Services		3.10.09

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# CITY OF SAINT PAUL

## CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

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(name of petitioner)  
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We acknowledge that we are aware of all of the uses permitted in a VP zoning district, and we are aware that any of these uses can be established upon City Council approval of the Rezoning. We hereby consent to the rezoning of the property in the petition of

DEBORA JEAN ROYD to a VP zoning district.  
(name of petitioner)

**We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.**

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1061 Selby Ave	Denise Martin	Denise Martin	10/22/09

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# CITY OF SAINT PAUL

## CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

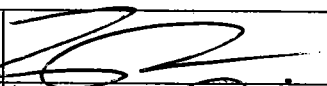
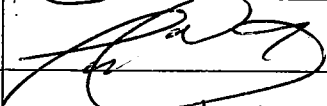
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(name of petitioner)  
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from a RM2 zoning district to a VP zoning district; and
2. A copy of sections 66.700 through 66.704 inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a VP zoning district, and we are aware that any of these uses can be established upon City Council approval of the Rezoning. We hereby consent to the rezoning of the property in the petition of

DEBORA JEAN BOYD to a VP zoning district.  
(name of petitioner)

**We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.**

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1065 Selby	Dodders Estates LLC		6/8/09
1065 Selby	Dodders Estates		6/8/09
		1. Tom Gallagher	
		2. Joe Collins	

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# CITY OF SAINT PAUL

## CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

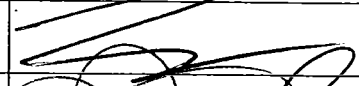

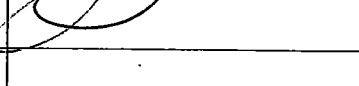
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(name of petitioner)  
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We acknowledge that we are aware of all of the uses permitted in a VP zoning district, and we are aware that any of these uses can be established upon City Council approval of the Rezoning. We hereby consent to the rezoning of the property in the petition of

DEBORA JEAN BOYD to a VP zoning district.  
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
<u>Prodders Holding LLC</u>	<u>Tom Gallagher</u>		<u>04/12/09</u>
<u>Prodders Holding LLC</u>	<u>Joe Collins</u>		<u>04/12/09</u>
<u>1057 Selby</u>	<u>Unlisted Property</u>		

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# CITY OF SAINT PAUL

## CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

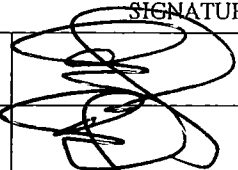
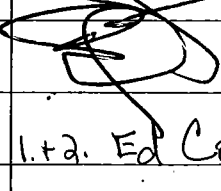
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DEBORA JEAN BOYD to a VP zoning district.  
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1042 (1048) DAYTON	ALDRICH PARK		5-19-09
1042 DAYTON	" "		5-19-09
		1. + 2. Ed Conley	

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# CITY OF SAINT PAUL

## CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

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We acknowledge that we are aware of all of the uses permitted in a VP zoning district, and we are aware that any of these uses can be established upon City Council approval of the Rezoning. We hereby consent to the rezoning of the property in the petition of

DEBORA JEAN ROYD to a VP zoning district.  
(name of petitioner)

**We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.**

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
<del>1060 Selby Ave</del>	Emelyn Stamp	Emelyn Stamp	3-10-09
1060 DAYTON AVE			

This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

# CITY OF SAINT PAUL

## CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

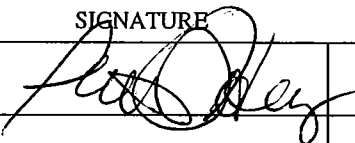
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DEBORA JEAN ROYD to a VP zoning district.  
(name of petitioner)

**We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.**

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1068 Dayton	Peter J. Heege		3-6-09
1068 Dayton	Nancy A Heege	Nancy Heege	3-28-09

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## Request for Continuance

Date

7-24-2009

Gladys Morton, Chair  
Zoning Committee  
City of Saint Paul  
1400 City Hall Annex  
Saint Paul, Minnesota 55102

Re: Zoning File # 09-096-093

Dear Ms. Morton:

I am the applicant or the applicant's duly appointed representative in the Zoning File above stated.

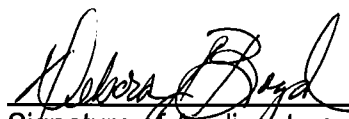
I request a continuance of the public hearing on the application in this Zoning File which is presently scheduled before the Zoning Committee on July 30, 2009.

I understand that a continuance of the public hearing before the Zoning Committee means that the final decision of the Planning Commission on this application, which is presently scheduled on August 7, 2009, will also be continued.

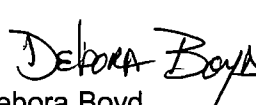
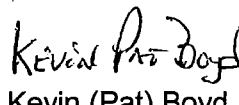
I understand that the Zoning Committee will continue the public hearing to August 13, 2009, and that the Planning Commission will make a decision on my application on August 21, 2009.

I am aware of and understand the statutory requirements found in Minn. Stat. § 15.99 (1995) requiring the City of Saint Paul to approve or deny this application within sixty days of its submission. I desire to waive the statutory requirement for a decision on the application within the sixty day period.

Sincerely,



Signature of Applicant or  
Applicant's duly appointed  
representative.



Kevin (Pat) Boyd, Debora Boyd  
Printed name of Applicant or  
Applicant's duly appointed  
representative.



**SUMMIT-UNIVERSITY**  
**PLANNING COUNCIL**

**Board of Directors**

Chair  
Steve Wilson – Hallie  
Q. Brown Community  
Center

Vice Chair  
Amy Michael

Secretary  
Edward Swanson

Treasurer  
Tim Jorissen

Community  
Improvement and  
Safety, Chair  
Rena Moran

Communications and  
Outreach, Chair  
Brock Obee

Chair, Neighborhood  
Development  
Committee  
Jeff Gardner – Selby  
Area Business  
Association

Unity Church -  
Unitarian  
Pauline Eichten

Ramsey Hill Association  
Dan Duddingston

Model Cities, Inc.  
Babette Jamison

Frances Goodlow

Keillen Curtis

Carl Nelson

Richard Kleinbaum

Marquitta Ransom

Emmerson Ward

Annie Heideman

Angela Earl

Charlie Neimeyer

David Youmans

March 18, 2009

Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 Fourth Street West  
Saint Paul, MN 55102

Re: Lifetime Legacy rezoning application

To Whom It May Concern:

Pat Boyd, co-owner of Lifetime Legacy Nutrition Bar, and Lou Alvarado both attended the February 17<sup>th</sup> Neighborhood Issues meeting of the Summit-University Planning Council. They presented the work they have done so far to redevelop the site, plans for additional landscaping, and their expressed desire to have the 1057 Selby property rezoned for parking and safer exit from the driveway. Several residents had previously provided their signature to a petition supporting the proposed zoning change. The committee members were satisfied that the Boyds have greatly improved a community eyesore, and have the support of the surrounding community. They were also satisfied that the house currently located at 1057 Selby Avenue was not salvageable, and its demolition would not be a great loss to the neighborhood.

On February 24, 2009, Mr. Alvarado attended the Summit-University board of directors meeting to represent the project and answer any questions that might be raised. Upon recommendation of the Neighborhood Development Committee chair, the board of directors passed a resolution in support of Pat and Debra Boyd's application for rezoning the 1057 Selby property.

We greatly look forward to the completion of the Lifetime Legacy redevelopment project, as well as their grand opening.

If you have any questions, please feel free to contact me at [irna@summit-u.com](mailto:irna@summit-u.com) or (651) 228-1855.

Thank you,

Irna Landrum  
Executive Director

**From:** "Leppanen, Ann (Referee)" <Ann.Leppanen@courts.state.mn.us>  
**To:** <ward1@ci.stpaul.mn.us>, <emily.goodman@ci.stpaul.mn.us>  
**Date:** 7/28/2009 8:18 AM  
**Subject:** 1057 Selby Avenue, St. Paul, File # 09-096-093 and request for rezoning

Dear Mr. Carter:

My husband and I reside at 1084 Selby Avenue in St. Paul. We received a notice from the St. Paul Planning Commission Zoning Committee that there is a public hearing on rezoning as related to a request from Kevin and Debora Boyd. We are extremely concerned about rezoning, in part, because of the flow of already very heavy traffic, and , in part, the destruction of a home in a geographic area rich in history to make way for a parking lot.

We intend to attend this hearing; however, I am writing this to ask you to intervene on the neighborhood's behalf. The neighbors that I have talked with are in opposition to this and we would like more time to engage in information gathering. The only neighbor that is in agreement is the neighbor immediately to the west of 1057. According to the Summit University District Council Board of Directors note, the Council approved removal of the property with the comment that "the owner on the other side of the vacant property is pleased with the proposal because it will improve her driveway." While it might improve the property owner's driveway, it definitely will not improve the property value to have a business with a parking lot abutting her property.

As I understand it, the owners of 1057 intend to tear down the house and replace it with a second parking lot. The business has not yet opened although the rehabilitation has been completed for at least 2 years. There is no immediate reason to tear down this property and I would ask that you support a motion to continue this issue to another date and time to allow for more information.

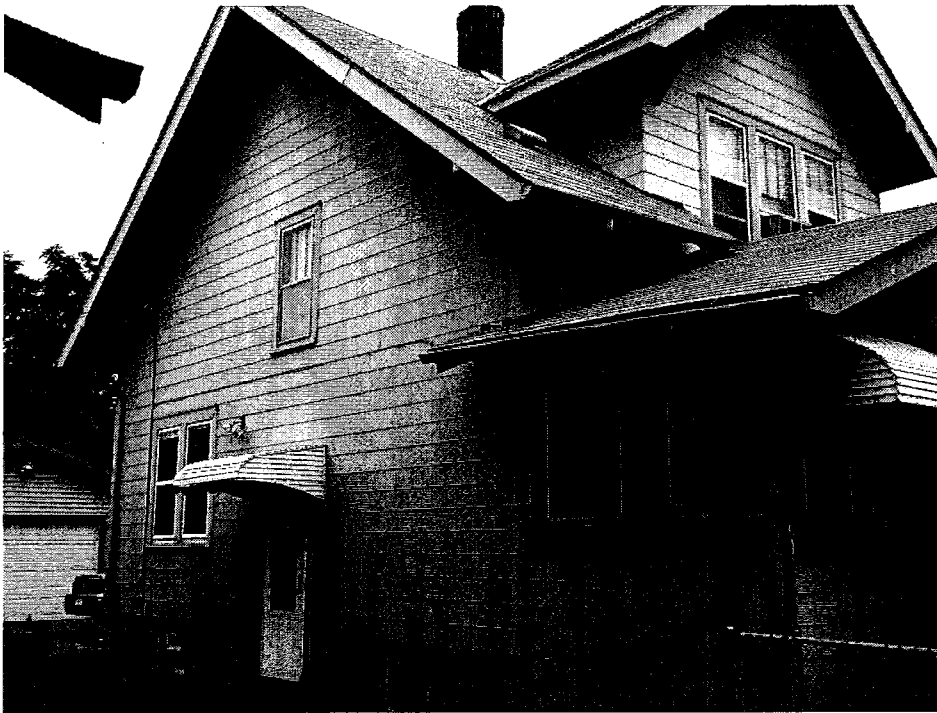
I can be reached at 651-341-9074.

Ann Leppanen

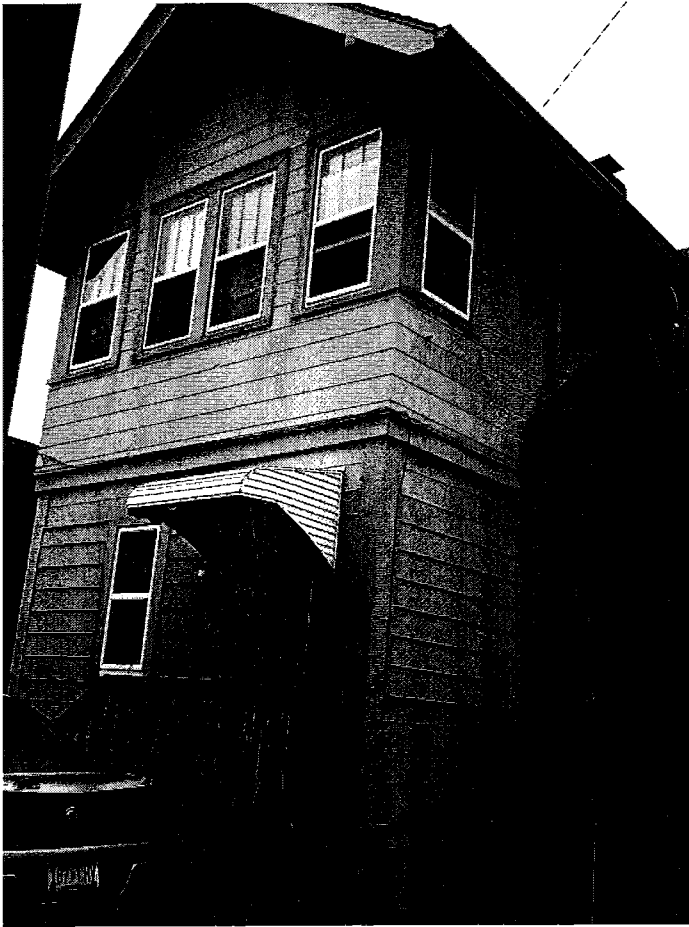
Bill Crowder



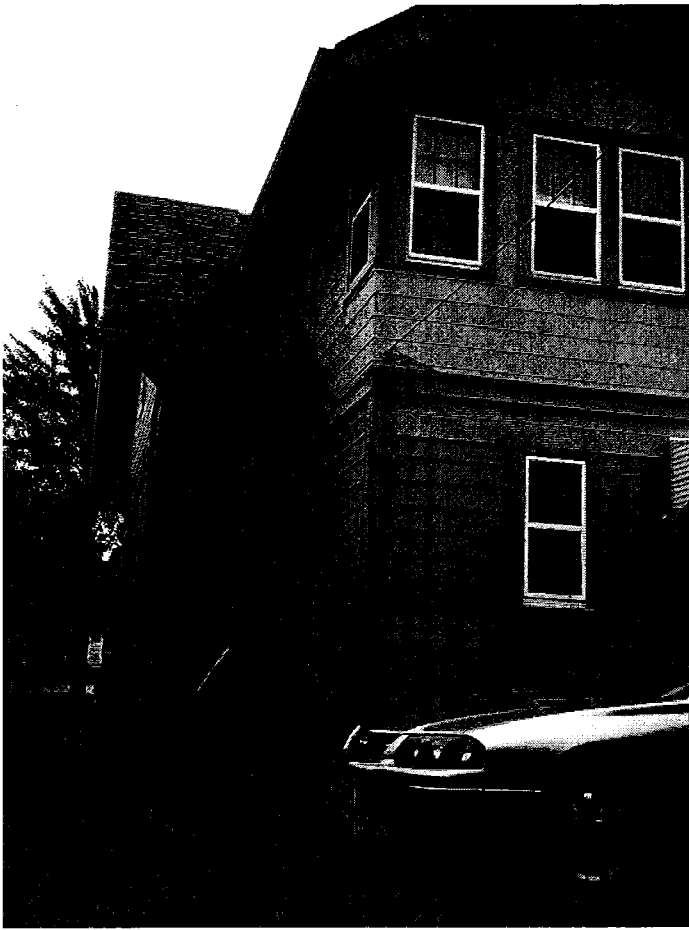
View of 1057 Selby Avenue, facing north from Selby Avenue.



View of 1057 Selby avenue, facing northeast from the driveway of the property.



View of 1057 Selby Avenue, facing southeast from the back of the property.



View of 1057 Selby, facing south down the eastern half of the property.



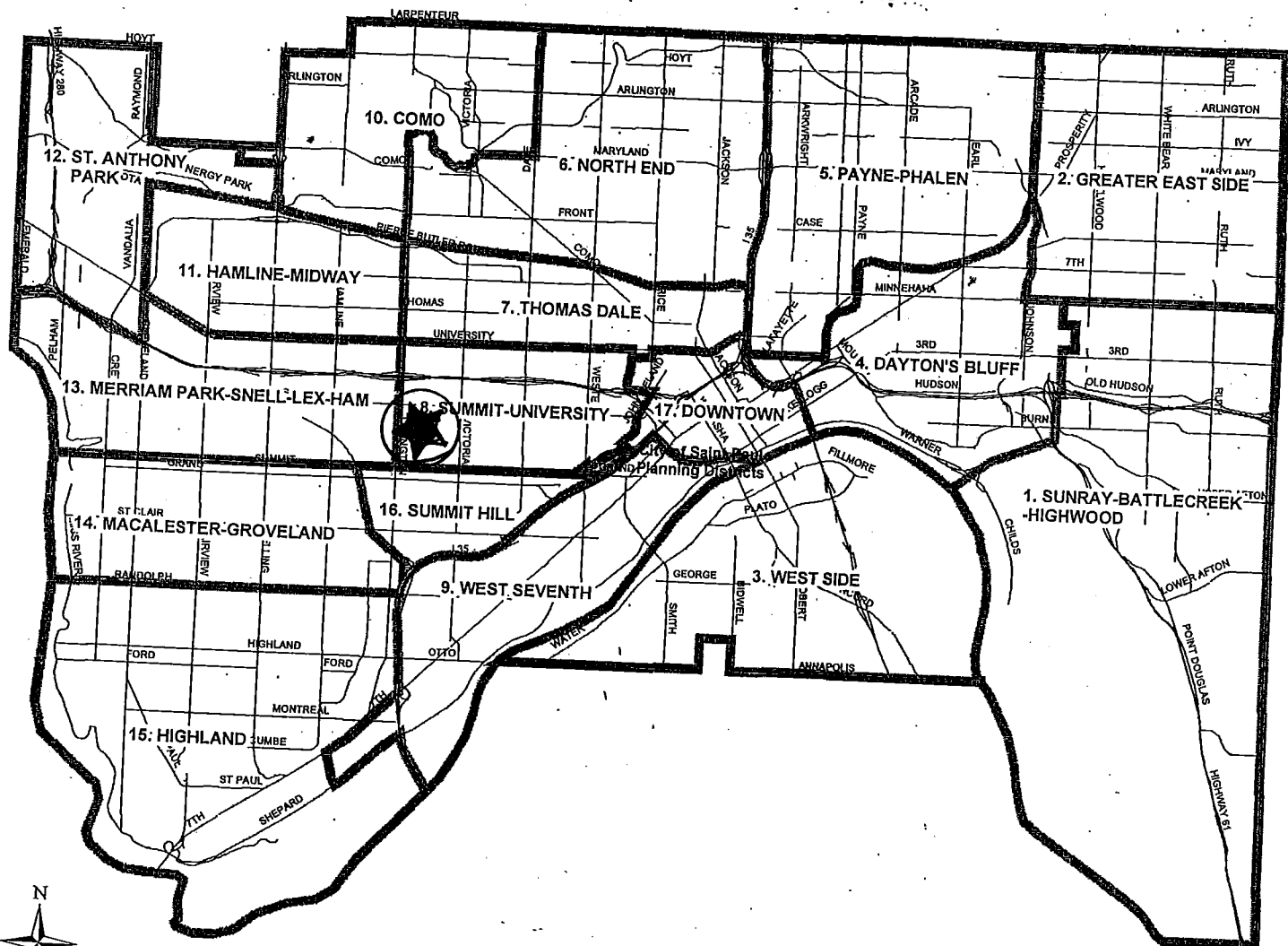
View of 1057 Selby Avenue, facing north along the eastern back portion of the property.





View of 1057 Selby Avenue, facing northwest, taken from the back portion of the property.

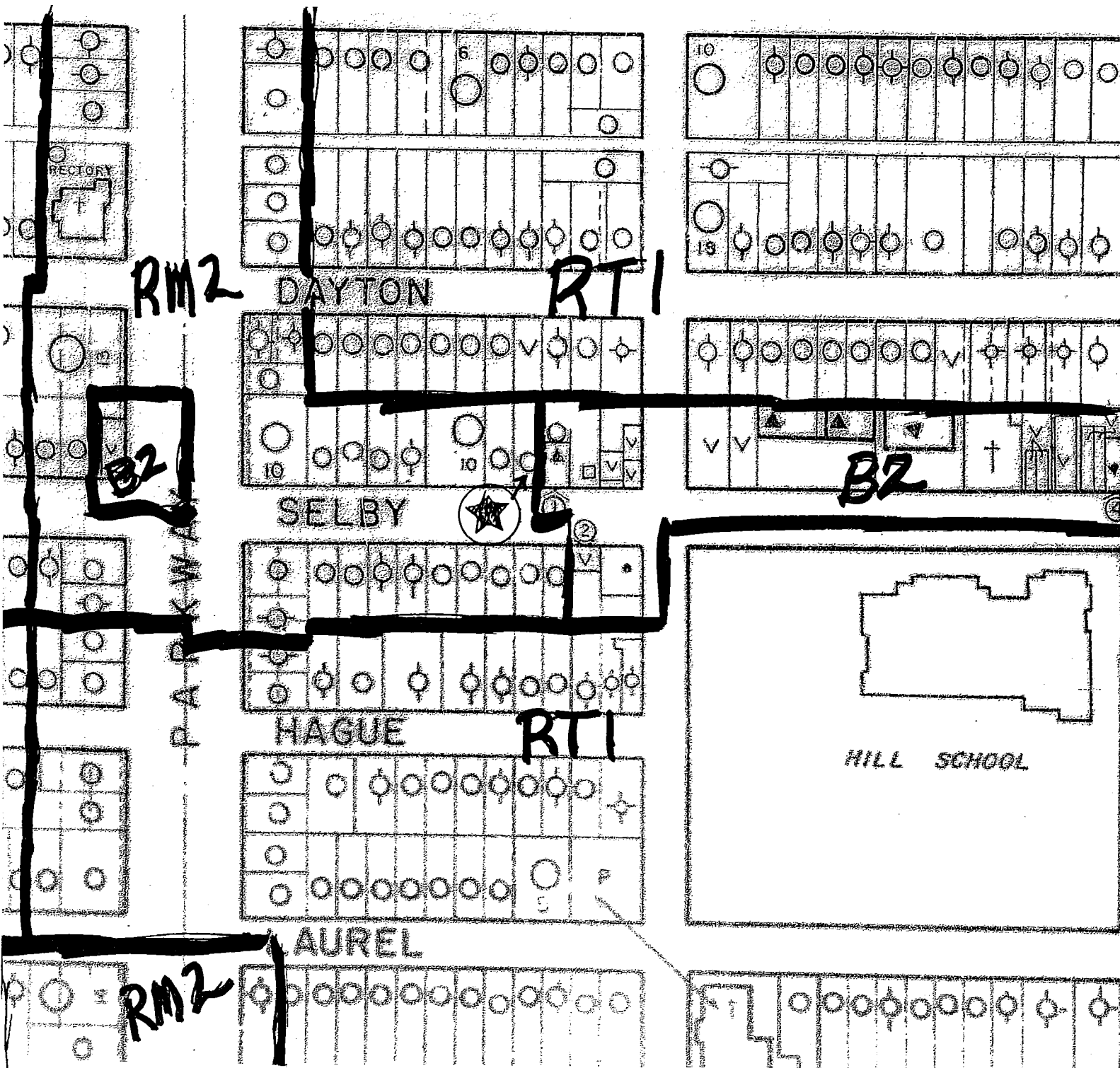
# CITIZEN PARTICIPATION DISTRICTS



## CITIZEN PARTICIPATION PLANNING DISTRICTS


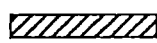






1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY
13. MERRIAM PK.-LEXINGTON HAMLINE
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

#09-096093



APPLICANT Debora Boyd  
 PURPOSE REZ RM2 → B2  
 FILE # 09-096093 DATE 6-24-09  
 PLNG. DIST. 8 MAP # 19  
 SCALE 1" = 400'

LEGEND

-  zoning district boundary
-  subject property
-  one family
-  two family
-  multiple family
-  commercial
-  industrial
-  vacant



## DUPLEX AND TRIPLEX CONVERSION GUIDELINES FOR ZONING CASES

### I. DUPLEX CONVERSION GUIDELINES

#### Application Requirements:

**Plans.** In addition to the general application requirements of Sections. 61.301, 61.302, and 61.801(b) (for rezonings), applications shall include a site plan showing total lot area and proposed off street parking (improved with a durable, permanent, dustless surface), and floor plans of each unit showing wall heights and unit size. If exterior changes are proposed, exterior changes shall be consistent with the General Design Standards in section 63.110. All plans and drawings must show dimensions or be drawn to scale.

**Economic Feasibility Analysis.** An economic analysis worksheet provided by the City shall be completed and submitted with the application.

**MLS Listing from Most Recent Sale.** A copy of the MLS listing from the most recent sale shall be submitted with the application.

[The guidelines are reformatted to put all of the required application materials in one place.]

#### 1. Applications for variances in RT-1 or higher residential zones

1. ~~For new construction, staff will follow the Zoning Code regulations. Duplexes can be built on lots of at least 6,000 square feet with a lot width or front footage of 50 feet. Smaller lots can be used for single family homes.~~ [No need to state the obvious. New construction must meet code. These guidelines are intended for conversions.]
2. For proposed conversions of existing single-family homes structures to duplexes, staff will recommend denial unless, in addition to the required findings for variances contained in § 61.600 of the Zoning Code, the following guidelines are met: [clarifies that requirements of the zoning code still must be met.]
  - A. Lot size of at least 5000 square feet with a lot width or front footage of 40 feet.
  - B. Gross living area, after completion of duplex conversion, of at least ~~1,800~~ 1,500 square feet. Neither unit shall be smaller than 500 square feet. [Reduces the gross living area for both units, but establishes a minimum unit size. Reducing the total square footage from 1,800 square feet is recommended based on research on St. Paul's existing housing stock. This research shows that roughly 48% of all duplexes in the city have less than 1,800 square feet of gross living area, and 22% have less than 1,500 square feet. Reducing the required gross living area to 1,500 square feet will accommodate more existing duplexes. This reduction in gross living area for all units will be balanced with a minimum unit size requirement of 500 sq. ft.]
  - C. Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum. ~~A site plan showing improved (durable, permanent, dustless surface) parking spaces must be provided.~~ [site plan requirements are moved to a new section at the beginning of the guidelines.]

- D. All remodeling work for the duplex is on the inside of the structure unless the plans for exterior changes are approved by the Board of Zoning Appeals as part of the variance. ~~Exceptions to this condition will be made if the applicant submits exterior elevation drawings which are approved as architecturally compatible by the design staff of the Department of Planning and Economic Development. PED staff would simply approve or disapprove; they would not revise drawings or write any detailed comments.~~ [PED no longer has staff to review exterior changes, and the Board of Zoning Appeals should have the opportunity to review and approve the design of these changes to ensure neighborhood compatibility and quality of work.]
- E. ~~The proposed duplex structure is located in a mixed density neighborhood, not a homogeneous single-family area or in an area where duplexes and triplexes are already concentrated to the point of congesting neighborhood streets.~~ [This guideline is unnecessary because the properties covered in this section are already zoned for duplex or denser residential use, and the required findings for variances already include language about not altering the essential character of the area or unreasonably diminishing property values.]
- FE. For the purpose of protecting the welfare and safety of the occupants of any structure that has been converted into a duplex without the necessary permits, a A code compliance inspection shall be conducted and the unit-necessary permits obtained to bring the entire structure into conformance with is found to be up to the housing building and fire code standards; or the property owner has must agreed, as a condition of the variance, to make the necessary improvements to obtain the necessary permits and bring it the entire structure into housing building and fire code compliance within the time specified in the variance. [Ensures that proper code inspections occur to protect the health and safety of the area and potential tenants. Building Official now issues initial certificate of occupancy under City's Legislative Code]
- G. ~~An economic feasibility analysis has been conducted for those cases where economic hardship is claimed as one reason for the variance request. Applicant should supply city staff with the necessary information.~~ [This guideline is moved to the section on application requirements.]

- 2. Applications for establishment of legal nonconforming use or re-establishment of legal nonconforming use permit, change in of noneonforming use, and expansion enlargement of noneonforming use [Corrects nonconforming use descriptions to be consistent with the Zoning Code. Eliminates reference to change of nonconforming use and enlargement of nonconforming use and adds re-establishment on nonconforming use. A duplex may be enlarged by right in single family and commercial zoning districts per Sec.62.106(1) and (m), and it would not be nonconforming in other residential districts. DSI routinely allows nonconforming residential uses to decrease the number of units without going to the PC. When reviewing changes in nonconforming use from a commercial use or mixed commercial residential use to a duplex, we only use the requirements in 62.109(c). The City has recently established a policy that terminates legal nonconforming use status for residential structures with more units than are permitted in the zoning district that have been on the vacant building list for longer than 1 year. This policy requires these structures to apply to the Planning Commission for re-establishment of nonconforming use to

retain units in excess of what would be permitted by the zoning district in which the structure is located.]

3. For residential uses in residential districts, staff will recommend denial unless the following guidelines are met:

- A. All required findings ~~pertaining to for nonconforming uses permits are met as outlined in § 62.109 (a) Establishment of legal nonconforming use or (e) Reestablishment of nonconforming use (e) Change of nonconforming use, or (d) Enlargement of nonconforming use~~ in the Zoning Code are met: ~~nonconforming use permits—see Sec. 62.102(e)(11); expansion of nonconforming use—see Sec. 62.102(e)(12); and change in nonconforming use—see Sec. 62.102(e)(5).~~  
[Updates code citations and eliminates unnecessary code citations.]
- B. That guidelines A - ~~G~~ E as outlined above in ~~I.2. Section 1~~ are met. [Reflects changes to section on variances.]

3. Applications to rezone single parcels to RT-1 to provide for conversion to a duplex

4. Staff will recommend denial unless the following guidelines are met:

- A. Lot size of at least 6,000 square feet with a lot width or front footage of 50 feet.
- B. ~~In the case of existing houses, a G~~gross living area after completion of the conversion of at least ~~1,800~~ 1500 square feet for the two units. Neither unit shall be smaller than 500 square feet. [Refer to earlier discussion on unit size.]
- C. ~~In the case of existing houses, T~~three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum. ~~A site plan showing improved (durable, permanent, dustless surface) parking spaces must be provided. New duplexes are required to provide three off street parking spaces. A site plan showing improved (durable, permanent, dustless surface) parking spaces must be provided.~~  
[These guidelines are for conversions of existing houses, not new construction, so some references are not needed. Other references are moved to section on application requirements.]
- D. The proposed duplex structure is located in a mixed density neighborhood, not in a homogeneous single-family area ~~or in an area where duplexes and triplexes are already concentrated to the point of congesting neighborhood streets.~~ [This language is unnecessary. If duplexes and triplexes are concentrated in an area, it is probably already zoned for duplexes.]
- E. Notwithstanding any other law to the contrary, for the purpose of protecting the welfare and safety of the occupants of any structure that was converted without building permits prior to the application for rezoning, aA code compliance inspection has been shall be conducted, and the necessary permits obtained to bring the unit entire structure up to is found to be up to the housingbuilding and fire code standards; or the property owner has must agreed to make the necessary improvements to bring it the entire structure into building and fire housing code compliance {prior to registration of the structure as a duplex} or {within a time specified for completion of the improvements}. [Ensures that proper code

inspections occur to protect the health and safety of the area and potential tenants. Language option depends on current status of property inspections and duplex registration requirements.]

- F. ~~An economic feasibility analysis has been conducted for those cases where economic hardship is claimed as one reason for the variance request. Applicant should supply city staff with the necessary information.~~ [This guideline is moved to the section on application requirements.]

## H. TRIPLEX CONVERSION GUIDELINES

### Application Requirements:

**Plans.** In addition to the general application requirements of Sections. 61.301, 61.302, and 61.801(b) (for rezonings), applications shall include a site plan showing total lot area and proposed off street parking (improved with a durable, permanent, dustless surface), and floor plans of each unit showing wall heights and unit size. If exterior changes are proposed, exterior changes shall be consistent with the General Design Standards in section 63.110. All plans and drawings must show dimensions or be drawn to scale.

**Economic Feasibility Analysis.** An economic analysis worksheet provided by the City shall be completed and submitted with the application.

**MLS Listing from Most Recent Sale.** A copy of the MLS listing from the most recent sale shall be submitted with the application.

[The guidelines are reformatted to put all of the required application materials in one place.]

### 1. Applications for variances in RT-2 or higher residential zones

1. ~~For new construction, staff will follow the Zoning Code regulations. Triplexes can be built on lots of at least 10,000 square feet. Smaller lots can be used for single-family and duplex homes.~~ [This is obvious, and therefore unnecessary. New construction must meet code. These guidelines are for conversions.]
2. For proposed conversions of existing single-family and duplex ~~homes~~ structures to triplexes, staff will recommend denial unless in addition to the findings for variances contained in § 61.600 of the Zoning Code, the following guidelines are met: [clarifies that zoning code requirements still must be met.]
  - A. Lot size of at least ~~8,000~~ 6,000 square feet with a lot width or front footage of 50 feet. [This reduction is consistent with Saint Paul's development pattern of 125 ft. deep lots: 50 ft. x 125 ft. = 6,000. and for the guideline that calls for 3 or 4 parking spaces, which require 27 to 36 ft. of width.]
  - B. Gross living area, after completion of ~~duplex~~ triplex conversion, of at least ~~2,700~~ 2,100 square feet. No unit shall be smaller than 500 square feet. [Research on the existing housing stock shows that only 36% of all triplexes have over 2,700 sq. ft. of gross living area, while 72% have over 2,100 sq. ft. This reduction is balanced by a requirement that no unit is smaller than 500 sq. ft. Currently the guidelines do not address minimum unit size.]
  - C. Four off-street parking spaces (non-stacked) are preferred; three spaces are the required minimum. ~~A site plan showing improved (durable, permanent, dustless surface) parking spaces must be provided.~~ [Site plan requirements are now listed at the beginning of the triplex guidelines.]
  - D. All remodeling work for the triplex is on the inside of the structure unless the plans for exterior changes are approved by the Board of Zoning Appeals as part of the variance. ~~Exceptions to this condition will be made if the applicant submits~~



exterior elevation drawings which are approved as architecturally compatible by the design staff of the Department of Planning and Economic Development. PED staff would simply approve or disapprove; they would not revise drawings or write any detailed comments. [PED no longer has staff to review exterior changes, and the Board of Zoning Appeals should have the opportunity to review and approve the design of these changes to ensure neighborhood compatibility and quality of work.]

- E. ~~The proposed triplex structure is located within a mixed density neighborhood, not in a homogeneous single family area or in an area where duplexes and triplexes are already concentrated to the point of congesting neighborhood streets. [This guideline is unnecessary because the properties covered in this section are already zoned for triplex or denser residential use, and the required findings for variances already include language about not altering the essential character of the area or unreasonably diminishing property values.]~~
- FE. For the purpose of protecting the welfare and safety of the occupants of any structure that has been converted into a duplex without the necessary permits, a A code compliance inspection has been shall be conducted and the unit necessary permits obtained to bring the entire structure into conformance with is found to be up to the housing building and fire code standards; or the property owner has must agreed, as a condition of the variance, to make the necessary improvements to obtain the necessary permits and bring it the entire structure into housing building and fire code compliance within the time specified in the variance. [Ensures that proper code inspections occur to protect the health and safety of the area and potential tenants. Building Official now issues initial certificate of occupancy under City's Legislative Code]
- G. ~~An economic feasibility analysis has been conducted for those cases where economic hardship is claimed as one reason for the variance request. Applicant should supply city staff with the necessary information. [This requirement has been moved to the section on application requirements at the beginning of the triplex conversion guidelines.]~~

2. Applications for *establishment of legal nonconforming use permit and reestablishment of nonconforming use* [Corrects nonconforming use descriptions to be consistent with the Zoning Code.]

3. For residential uses in residential districts, staff will recommend denial unless the following guidelines are met:

- A. All required findings ~~pertaining to~~ for nonconforming uses permits are met as outlined in § 62.109 (a) *Establishment of legal nonconforming use*, (b) *Reestablishment of nonconforming use* in the Zoning Code are met; ~~noneconforming use permits—see Sec. 62.102(e)(11); expansion of noneconforming use—see Sec. 62.102(e)(12); and change in noneconforming use—see Sec. 62.102(e)(5).~~
- B. That guidelines A - G E as outlined above in H.2 Section 1, are met. [Updates code citations.]

3. Applications to *rezone single parcels to RT2 or higher to permit conversion to a triplex*

[Clarifies that rezoning can be to RT2, but in some cases may also be to RM1 or RM2.]

4. Staff will recommend denial unless the following guidelines are met:

- A. Lot size of at least ~~10,000~~ 9,000 square feet. [The 2005 changes to the zoning code establish 9000 sq. ft. as the minimum size for multiple family development. Under these standards, three units at 3000 sq. ft. per unit (RT2 density) equals 9000 sq. ft.]
- B. ~~In the case of existing houses, a~~ Gross living area after completion of the conversion of at least ~~2,700~~ 2,100 square feet for the three units. No unit shall be smaller than 500 square feet. [see discussion under similar finding for variances Clarifies that both new construction and conversion must meet the size standard.]
- C. ~~In the case of existing houses, f~~Four off-street parking spaces (non-stacked) are preferred; three spaces are a minimum requirement. ~~New triplexes shall provide four off street parking spaces. A site plan showing improved (durable, permanent, dustless surface) parking spaces must be provided.~~ [These guidelines are for conversions, not new construction. Requirement for site plan moved to new section, Application Requirements.]
- D. The property is located within a mixed density or mixed use neighborhood, ~~not in a homogeneous single-family area or in an area where duplexes and triplexes are already concentrated to the point of congesting neighborhood streets.~~ [This language is unnecessary. If triplexes are concentrated in an area, it is probably already zoned for triplexes.]
- E. The units must be inspected by the Fire Marshal's Office as part of the Certificate of Occupancy program required for all residential structures with three or more units. The entire structure must meet building and fire code standards; or the property owner must obtain the necessary permits for the necessary improvements to bring the entire structure into building and fire code compliance. [New language ensures that the units are up to code.]
- F. ~~An economic feasibility analysis has been conducted for those cases where economic hardship is claimed as one reason for the variance request. Applicant should supply city staff with the necessary information.~~ [This guideline has been moved to section on application requirements.]